MONTEREY COUNTY

# LABOR NEWS

VOL. IX—No. 45 SALINAS, CALIFORNIA, TUESDAY, JULY 8, 1947 WHOLE No. 457

## Full Text Of The New Law In This Issue

Complete text of the new Taft-Hartley "union-control" law is carried in this issue for the convenience of our readers. It is printed in a form that is convenient to remove and keep for future reference.

No matter how we feel about this measure, it is, nevertheless, a law, and we should know its contents in order to be informed and govern our actions accordingly. Interpretations, clarifications, and official actions under the law, as advised by the A. F. of L., will be printed in this paper as they become available.

## Asks Congress to Take Action on High Price Cuts

WASHINGTON — Congress should act immediately to bring relief to the American people from high and rising prices, Reps. Helen Gahagan Douglas (D, Cal.) and John McCormack (D, Mass.) said in a dramatic statement of the extent of inflation since the 79th Congress killed price control.

The responsibility for action now, they said, rests with the Republicans who voted as a bloc with a few helping Democrats to wipe out price control last year and who now control the Congress.

McCormack, Democratic House whip, and the California progressive who has previously brought a shopping bag to the floor in order to demonstrate what high prices mean to the housewife, declared that "the housewife and her family can't eat studies, charts and National Association of Manufacturers philosophy."

Increased corporation dividends in 1947 and the highest corporate earnings in history will not help Molly Housewife, McCormack and Mrs. Douglas said. "They don't help her buy ground round steak at 85c a pound, milk at 17c a quart, butter at 76c a pound—pork chops at 73c a pound—coffee at 47c a pound.

"We are not talking about roast beef and steak budgets. We are talking about three-fourths of America's families who earn less than $3,500 a year, or less than $70 a week."

The statement assailed the "Taft-Wolcott so-called price control bill which killed price control last June and is the cause of all the housewife's trouble today. Every week Molly Housewife and her children are short $9.50 of what they had to spend in January, 1945," they said—while her husband, the average American worker, has the same weekly pay check of $47.50 as is that peak wage year.

**Those Wall Street men who are going back to the farm ought to be efficient when it comes to watering the stock and shearing the sheep.**

## *Anti-Fascist Group Convicted on Charge Of Congress Contempt*

WASHINGTON—A federal court jury took 65 minutes to find each of the 16 members of the Joint Anti-Fascist Refugee Committee guilty of contempt of Congress for refusing to turn over the group's books to the House un-American activities committee.

The group, including Dr. Edward K. Barsky, chairman, and Novelist Howard Fast, were released on $500 bond pending appeal. They face a maximum sentence of $1000 fines each and up to a year in jail.

Justice Richmond Keech, who presided at the trial, limited evidence to the extremely narrow issue of contempt and blocked every attempt to attack the legality of the House committee. The one break the 16 defendants received was his action striking the conspiracy count from the indictment.

## Pickets Simply Pickets, Think Mach. Strikers

SEATTLE—"What do you mean, letting the strike down?" Intl. Assn. of Machinists strike headquarters demanded of a sleepy brother. The machinists were out in uptown shops and the brother, headquarters thought, hadn't reported for duty on the midnight picset shift.

"Wait a minute," protested the sleepy one. "I'm on the other side of the fence."

"Other side of the fence!" snorted headquarters. "Switch your pants over to our side and stand with your brother members."

"But you don't understand. You can't call me out on picket duty."

The sleepy "brother," it turned out, was Gen. Supt. McLain, bull of the woods, who thinks unions are no good. At that, maybe it's good to tell a superintendent off in the middle of the night once in a while.

**They've found a wild wheat that can stand drought, but wild oats seem to require as much moisture as ever.**

## They're in On the Kill

These two Republicans, Rep. Fred A. Hartley (N.J.) (1.) and Sen. Robert A. Taft (O.) will live in American labor history. Workers will never forget that they sponsored the vicious slave labor law designed to wreck unions, lower living standards and destroy labor's political action activities. Here they watch as Senate Sec. Carl A. Loeffler certifies passage of the infamous law that bears their names.—(Federated Pictures).

## Vet Committee To Wage Fight Against Tories

WASHINGTON—Keynote of the program of the American Veterans Committee for the coming year will be continued attack on the forces of reaction which are making for depression and war, Chat Paterson, newly-elected AVC national chairman said.

At the same time Paterson exulted over the election of his partners on a so-called independent progressive anti-communist slate at the recent Milwaukee convention as proof that the AVC is not communist-influenced.

Paterson said panel discussions at the convention developed plans for a nation-wide organizing drive to unite World War II veterans "in an organization which stands by them and for them on issues such as housing, and GI bill benefits, as well as conducting alone among veterans organizations a real fight to halt the tide of reaction which is sweeping the nation." AVC now claims 102,000 members.

The convention unanimously passed a resolution opposing the Taft-Hartley anti-labor bill before Pres. Truman's veto was announced, and sent every member of Congress a wire urging his support for a veto as a protection of the freedom for which the veterans had fought in the recent war.

Among members of the national committee of AVC are Meyer Bernstein, CIO veterans representative, and Robert Nathan, economist whose studies were the basis for the CIO's general wage demands of last year.

## Wartime Employe Gets Prison For Concealing Party

WASHINGTON — Carl A. Marzani, wartime employee of the State Department and the Office of Strategic Services, was sentenced to serve from one to three years in the penitentiary by Justice Richmond Keech on charges of concealing Communist party affiliations from federal loyalty examiners.

Marzani's trial took 11 days, and he released a statement to the press saying the trial was a "travesty of justice. During the war, as a civilian and as a soldier, I worked to the best of my abilities without stint and reservation. My services were accepted and praised by my government. Today the same government sends me to jail."

The statement blamed his prosecution on the fact "that I produced a labor film 'Deadline For Action', which was highly critical of certain large corporations in America. These same corporations have been using federal agents to break up my film business because it is producing films for the labor movement. I charge specifically that, in this case, the Department of Justice has been acting as the public relations adjunct of the General Electric Co."

Keech denied Marzani release on bail pending appeal and said the fact that Marzani was a Communist had nothing to do with the case.

Marzani's statement declared that "if this verdict stands, the police state has made its first appearance in our country. This is a victory for those forces in America which hate democracy and the labor movement. As shown in other countries, they will ultimately stop at nothing, including violence, terror and fascism."

## Drivers in San Jose On Strike Have Technique

SAN JOSE—When bus drivers here went on strike (as they also did in Sacramento and Stockton), Ben Shelton, one of the striking drivers, had an idea.

He started driving his own car over his usual bus route with a sign reading: "Bus Driver—Want A Ride?" He charged no fare but took any tips that were offered.

He was so successful that other drivers imitated him, and with equal success. Finally they asked their union, the Amalgamated Assn. of Street, Electric Railway and Motor Coach Employees, AFL, to advocate the Shelton Plan as strike strategy for all drivers.

The union refused but did not forbid individual strikers to copy the idea, which spread like wildfire.

**The greatest paradox of them all is still Civilized Warfare.**

## Ford-United Auto Pension Plan Praised

DETROIT.—The new retirement pension plan, now all but negotiated between the United Auto Workers and the Ford Motor Co. is a major innovation in American heavy industry, said the union's Ford Dept. director Richard T. Leonard at a press conference. The heavy attendance of reporters just before the Sunday edition deadlines signaled the importance of the move in auto labor relations.

The pension plan in contingent on acceptance by the Ford workers of the rest of the contract which will take about three weeks to conclude, Leonard said. Pensions, which will cover practically all Ford workers after one year of employment, will be 1% of the worker's annual pay for each year of service, including all the years he was employed by Ford before the plan goes in effect. The amount is in addition to social security benefits.

**$100 MONTH PENSION**

"A Ford worker earning $200 a month," Leonard, who is a UAW vice president and a former coal miner, said, "would contribute about $1800 in 30 years of employment and receive $100 a month at retirement. Of this $55 is made possible by company contributions and $45 by his own contributions. If the same worker were to purchase an individual annuity, it would pay him $55 a month for life and cost about $9000 instead of the $1800."

**Many details remain to be settled but the major principles are agreed on. The retirement age will be 65 or earlier. About 95% of all Ford workers will be ligible. If a man retiring at 65 dies at 66 it is planned to pay the family the pension for 4 more years, Leonard said.**

**WAGE PLAN TIED IN**

Tied in with the plan is the new wage structure at Ford. In place of the 11½c blanket raise won by General Motors and Chrysler workers, the Ford workers will get 7c.

**A sound bilateral setup will protect the equity of all Ford workers in the pension rights they will have earned, Leonard said. Whether the plan, which is legally a separate entity though tied in with the contract, will be good for future years will depend, he said, "on the continued bargaining effectiveness of the union."**

## *Organizations Lobby For Passage of New Federal Housing Act*

WASHINGTON—Some 700 delegates representing 35 national organizations lobbied on Capitol Hill for passage of the Taft-Ellender-Wagner long-range housing bill, and heard Sen. Robert A. Taft (R., O.) suggest the bill might have to be modified in order to clear the 80th Congress.

Delegates from both AFL and CIO were among the hundreds buttonholing senators and representatives during the day, set aside as Fight for Housing Day by the sponsoring groups, to seek passage of the bill. It was modeled on the measure which passed the Senate unanimously a year ago but was bottled up by the House banking committee in the dying days of the 79th Congress.

Taft and Sen. Allen J. Ellender (D., La.) said builders and real estate groups had slandered the bill with "misleading propaganda."

## *Bosses Do Own Goon Work When Employe Asks for Back Wage*

ROCHESTER, N.Y.—Some bosses are getting so cocky they're not even bothering to hire thugs to do their strong-arm work. Samuel DiNoto, 18-year-old striker, learned this when he went to Harrison L. Chapin Sr., head of the All-Purpose Metal Equipment Corp., to complain that his final pay check credited him for only six hours instead of eight.

Forgetting their high-class manners, socially prominent Chapin and his two sons jumped on the young worker, punching, kicking and choking him. As a result, DiNoto, a member of AFL Federal Local 19620. is in the hospital in a very serious condition. Chapin was booked on charges of assault brought by the union.

## COMPANY'S NEGLIGENCE BLAMED FOR DISASTER

LOS ANGELES—Four surviving crew members of the tanker Markay, whose explosion in Los Angeles harbor June 22 left four dead, nine missing and 20 injured, issued a 4-point statement here documenting company negligence in the waterfront disaster.

The statement charged not only that the Keystone Shipping Co., owner of the Markay, had neglected safety precautions but that the company had done nothing about two other fires that had broken out aboard ship between June 8 and the date of the disaster.

Issued from their hospital beds, the crew members' statement declared that in the two weeks prior to the explosion the ship's stack caught fire twice, in Martinez and in Portland, Ore., and that no steps had been taken to eliminate the causes.

Safety precautions involving the use of long sparking tools were also ignored as were protests to the company against dangerous loading practices, the men charged. They said the ship's officers had also failed to carry out usual fire alarm practice for one and a half months before the explosion, despite the occurrence of the stack fires.

"We the undersigned survivors of the crew are signing this statement in hopes that it can be used to establish the need for better safety conditions to protect the lives of men who go down to sea in these gasoline cans," they said.

## DENOUNCES CONGRESS REACTION

WASHINGTON—The 80th Congress has utterly failed the American people and is riding along without brakes on the roller coaster of inflation, Rep. Helen Gahagan Douglas (D, Cal.) told the 38th annual conference of the National Association for the Advancement of Colored People.

The California progressive assailed the GOP-controlled Congress for its program of making the rich richer and the poor poorer, which she summarized as: "1. cut taxes for the rich; 2. break the back of labor; and 3. destroy the agencies of government set up to protect and promote the welfare of the people."

"Rising prices, housing, FEPC, health, education, development of natural resources, anti-poll tax law, anti-lynch bill and civil liberties are not the concern of this Congress," she continued. "But they are the concern of every family in America. They particularly affect the Negro family.

"An economic slump will come down on the Negro people like a ton of bricks for they are among the first to be discriminated against."

Mrs. Douglas attacked the hysterical red-baiting in word and deed by the 80th Congress, saying: "This Congress, while creating a frenzy of fear over communism, shows in amendment after amendment, attached to legislation which it passes, that it has no real understanding of totalitarian methods and rushes often with arms outstretched to embrace them in its frenzy."

## It's Getting So You Can't Even Afford to Die

DETROIT — Average prices for cemetery services make the high cost of dying even higher than it was before the war, it is admitted by Pres. W. M. Jones of White Chapel Memorial cemetery, who was secretary of the wartime cooperative committee of Detroit cemeteries when it functioned.

Jones admits that a rough box (the outside box around the casket) now costs the family $20 when before the war it cost $5. That is a fourfold increase. The service charge for digging the grave, funeral tent and lowering device fee, which was $35 before the war, now is $60.

He offers the usual excuses of rising labor and material costs. Gravediggers were paid 55 cents an hour and now get $1.10, he says.

**Our idea of adding insult to injury will burst into full bloom when one of our modern young women kills her husband with a can opener.**

## Politics In Big Way Aim Of Garment Worker Unit

CLEVELAND.—Stirred by passage of the Taft-Hartley slave labor law, the Intl. Ladies Garment Workers Union (AFL) demanded that the AFL throw its full weight into political action.

A resolution adopted by the ILGWU convention called on the AFL to summon an emergency conference of all its affiliates to plan a drive for "a Congress upon whom the people of this country can rely" in 1948.

"Cooperation and joint action with all labor and bonafide liberal forces" was also urged in the resolution, which advocated third party action on a local scale where neither the Democrats nor Republicans run a progressive candidate.

**THIRD PARTY IDEA**

The resolution was adopted after ILGWU Pres. David Dubinsky launched a sharp attack against Congress for overriding Pres. Truman's veto of the Taft-Hartley bill. A proposed amendment to the resolution, calling for immediate formation of a national third party, was defeated on the grounds that this would isolate the labor movement.

Political action was also the keynote of an address here by AFL 2nd Vice President Matthew Woll, who urged establishment of a "labor non-partisan political league" to seek "constructive legislation" locally and nationally. Woll suggested that the Taft-Hartley law might have one good effect: to bring about a political awakening in the American labor movement.

**OFFENSIVE IN COURTS**

Labor must take the offensive in the courts, in Congress and at the polls against the Taft-Hartley law, the AFL leader told the convention. He urged that a national labor publication and a national speakers bureau be started to publicize labor's program on political and economic issues.

**Woll said he felt such a program would be more effective if it were launched by a united labor movement but expressed doubts that unity will be achieved between the AFL and CIO in the near future.**

## *Senator Morse Makes Quick Comeback from Filibustering Talks*

WASHINGTON—Senator Wayne Morse is one fellow who does not tire easily and makes a quick comeback, it was made clear here.

Morse stayed up late Friday night helping organize the delaying speeches of pro-labor senators determined to prevent a hasty vote to override the presidential veto of the Taft-Hartley bill. After a short sleep, Morse took the floor at 6:30 a.m. and held it for 10 hours and 2 minutes, finishing in strong voice after a session in which his desk was covered with lawbooks, cold orange juice, ice water, pills, Life-savers and Luden's cough drops.

Then Morse, relaxed, shaved and stepped into riding clothes in time to compete in the annual Arlington, Va. horse show. He walked off with the blue ribbon for the 5-gaited event on his mount, Spice of Life.

## *Wear a White Collar, Draw $30 Per Week, You're an Executive*

WASHINGTON—It is still legal under 1942 federal rulings to classify certain white collar employes as "executives" if they earn at least $30 a week.

Labor Sec. Lewis Schwellenbach has named a labor-management committee to decide whether the $30 standard should be raised.

With the average wage of industrial workers officially reported at $48 before deductions, the $30 executive is in a poor spot, unprotected by either the requirement of overtime pay or the 40-hour week.

## Finds Union Good for Plenty Besides Wages

CEDAR RAPIDS, Ia.—Lyle Johnson learned his union is good for more than a wage boost. When his home burned down here, his AFL teamster union local found him a trailer home and enough furniture to get the household started again.

## He Fought for Labor

Sen. Glen H. Taylor (D., Ida.) talked for eight hours and 20 minutes and Sen. Wayne Morse (R., Ore.) spoke for 10 hours and 2 minutes in a fight to delay action on the Taft-Hartley bill until the country could be heard from. Labor will remember them in 1948—and also remember the Democrats and Republicans who voted the NAM way.—(Federated Pictures).

## STATE COURT RULING ON DISABILITY HURTS BENEFITS FOR LABOR

(release from State Federation of Labor)

**SAN FRANCISCO—By a decision of 6 to 1, the Supreme Court of California has held that the 1945 amendment to Section 4661 of the Labor Code, which provides that an injured employee shall receive at least 75 per cent of his permanent disability rating in addition to temporary disability compensation, rather than only the greater of the two as the law formerly provided, was not retrospective. As a result, it has annulled awards of the Industrial Accident Commission for injuries received prior to the adoption of the amendment.**

The amendment to Section 4661 was the result of a bill introduced by the California State Federation of Labor. The position taken by the Industrial Accident Commission was supported by the Federation, which appeared before the court as amicus curiae.

In holding that the Commission improperly gave a retrospective effect to the amendment, the Supreme Court relied on its opinion that the legislature would have expressly provided for retrospective operation if it had so intended. The California State Federation of Labor shares the opinion of the one dissenting justice that in its decision the court adopted a reactionary and legalistic approach to this liberal legislation.

**DISSENT BY CARTER**

In his dissent, excerpts of which we set forth below, Justice Carter made a scholarly attack upon the lack of substantial basis to the decision of the majority. It is hoped that a petition for rehearing will be filed by the Industrial Accident Commission. In this event, the Federation will join with the possible hope that the opinions expressed by Justice Carter may become those of the majority of the court.

We quote from Justice Carter's opinion as follows:

**"The majority opinion is a product of the reactionary legalistic philosophy of an era preceding the advent of the Workmen's Compensation Laws and is out of harmony with the philosophy underlying the social policy upon which these laws are based. It was because of the prevalence in the courts of this reactionary legalistic philosophy and its devastating effect upon the social and economic welfare of wage earners that Workmen's Compensation Laws were enacted, and their administration was taken away from the courts except for the very limited function of review on legal issues only. This philosophy inheres in the concept that property rights are above personal rights and that laws granting benefits to employees must not be so construed as to effect the status quo adverse to the employer. While this philosophy still has its advocates on our courts and in other branches of our government, it has lost most of its vigor in recent years due to the effort of leaders in liberal thought to improve the condition of those who are required to work for a livelihood in the great industries of our country. It was this liberal thought which placed in our Constitution and on our statute books the Workmen's Compensation Laws."**

Justice Carter quotes the following from an authority on workmen's compensation, Samuel E. Horovitz:

**"'. . . Unquestionably, compensation laws were enacted as a humanitarian measure, to create a new type of liability—liability without fault—to make the industry that was responsible for the injury bear a major part of the burdens resulting therefrom. It was a revolt from the old common law and the creation of a complete substitute therefor, and not a mere improvement therein. It meant to make liability dependent on a relationship to the job, in a liberal human fashion, with litigation reduced to a minimum. It meant to cut out narrow common-law methods of denying awards . . .'"**

From Justice Carter's analysis of the majority opinion, we quote in part as follows:

**". . . It is also stated that the provision in the Workmen's Compensation Act that its provisions be liberally construed cannot indicate a legislative intent to have the amendment applied retroactively for 'it would be a most peculiar judicial reasoning which would allow one such doctrine to be invoked for the purpose of destroying the other.' There is nothing 'peculiar' about the matter. Many situations arise where conflicting legal principles must be rationalized, such as conflicting presumptions and conflicting rules of satutory construction."**

**". . . How can the employee be given protection or doubts resolved in his favor if the amendment is not applied to injuries occurring prior to the effective date thereof? While there may be a difference of opinion as to what constitutes a liberal construction, it is nothing short of counterfeit logic to say that the construction contained in the majority opinion falls within that category. The construction there given requires the maintenance of the status quo with respect to all employees who suffered an injury prior to the effective date of the amendment. Such a construction is conservative or reactionary and is the antithesis of a liberal construction. The majority insist upon this construction because it might injuriously affect employers and insurance carriers. It can hardly be imagined that any provision of the Workmen's Compensation Act could be given a liberal construction without adversely affecting an employer who is self insured or an insurance carrier."**

And finally, in regard to the statement in the majority opinion that the legislature did not expressly declare that it was necessary to increase the compensation because of the great advance in living costs, Justice Carter says:

**". . . Justice may be blind but it should not be also dumb. Why should the Legislature declare that which every one knows to exist? Certainly a legislative declaration of the purpose of legislation is not necessary where the conditions giving rise to it are patent to all. Furthermore, this court may take judicial notice of the greatly decreased purchasing power of the dollar since 1941."**

## Nurses Granted Charter; After A Living Wage

DETROIT.—The Detroit Federation of Nurses (unaffiliated) was given an AFL charter by Pres. Frank X. Martel of the Detroit & Wayne County Federation of Labor. Telling the nurses to go after a living wage, he said:

"I want to remind you that there is nothing wrong or against the best ethics of the nursing profession for nurses to be paid—everyone else gets paid."

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## *BAD TO WORSE IN CHINA*

About a year or so ago a dozen or more expert observers and analysts of the situation in China said that further loans to bolster the Chiang government would amount to throwing the money down a rat hole. They were right. Chiang has got nowhere in his civil war, and the internal situation in China is worse than before. Despite use of great quantities of modern American equipment, the Kuomintang armies are bogged down. Why?

There can be only one answer: The masses of China are against Chiang's government and the domestic program (or lack of it) of the Kuomintang. Whole divisions of Chiang's armies have gone over to the partisans.

Chiang's representatives are now in Washington again asking for another hand-out. This time they want a billion and a half dollars to "finish the job" of exterminating communists. If we are suckers enough to vote such a sum, the result would be the same. There is only one thing that will stabilize China and lead to a unified central government — radical social and economic reform. This means the abolition of oppressive landlordism, usurious interest, the setting up of a genuine representative coalition government.

Communism in China is an excrescence of the cancer of poverty, oppression and starvation. When the dictators and warlords of China do something about this trinity of evils, they will find "communism" vanishing. Until they do it will grow, and there is nothing that we here in the United States can do to prevent it.

## *INDIVIDUALISM GETS RUGGEDER*

Every once in a while the McGraw-Hill Publishing Company sends us a canned editorial. A recent one proved more than interesting. This one was about "Your Chances of Getting Ahead." Here are some statements made by this conservative house:

**"While the income needed for retirement today has increased 2½ times — or by more than 150% — since 1929, the average person's income has increased only 80%. So the average man's chances of achieving success are really slimmer now than a generation ago . . . Fewer people actually do achieve financial success today. ONLY 1% OF ALL FAMILIES NOW HAVE INCOMES LARGE ENOUGH TO BUILD UP A RETIREMENT FUND OR A STAKE IN BUSINESS."**

McGraw-Hill blames this situation on high taxes. We prefer to blame it on our economic system which chokes production by not paying workers enough to buy back what they produce. The depression of the 30's was not caused by Labor, but by the don't-produce-without-a-profit attitude of big business and high finance. From 1929 to 1940 this country lost nearly *one thousand billion dollars* (that's a trillion) in national income because of idle dollars and idle men. People wanted jobs and wanted money to buy things, but millions couldn't get jobs. Why? Ask McGraw-Hill.

## *NEED BETTER EXPORT PRODUCT*

One of the ironical things about the present world situation is that while the United States has taken upon itself the task of establishing democracy and stopping totalitarianism all over the world, it is the one democracy whose highest governing body is doing its best to weaken the labor unions. While we adopt a Taft-Hartley bill, England, France, Australia, New Zealand, Denmark, Norway, Sweden, Czechoslovakia, Poland, Yugoslavia and governments of many other World War allied countries are giving trades unions more freedom and greater co-operation. If we intend to continue our "export of democracy," hadn't we better start getting a little bit better brand of it at home?

## *TOM JEFFERSON—SUBVERSIVE*

Every year a lot of swank dinners are held by Democratic Party politicians and others to honor the name of Thomas Jefferson. Yet if Jefferson were living today and talking like he did in colonial days he would be hounded by the operatives of J. Edgar Hoover and cited for investigation by the House committee on un-American activities. The following quotation gives you some idea of his destructive philosophy:

**"If once the people become inattentive to the public affairs, you and I, and Congress and Assemblies, judges and governors, shall all become wolves; experience declares that man is the only animal which devours its own kind, for I can apply no milder term to the governments of Europe and to the general prey of the rich on the poor."**

To think that one of our Presidents was subversive enough to preach class hatred!

## *HOW TO STOP COMMUNISM*

If our Congress, instead of trying to bust labor unions and block progressive legislation, would see to it that all Americans were guaranteed steady employment at good wages and adequate security in sickness and old age, there wouldn't be any hysteria over the "menace of communism." Why? Because there wouldn't be any "menace."

## *GOD BLESS HIS HEART!*

A friend of ours said something like this the other day, and we admired his courage and obstinacy:

**"Not until involuntary poverty and insecurity exists NOWHERE on this ball of mud will I cease being a social rebel."**

# Says Truman Fight Against Taft-Hartley Bill Muffed

WASHINGTON. — As labor assessed the blame for the passage of the Taft-Hartley bill into law over Pres. Truman's veto message, the votes of 20 Democratic senators loomed as the major factor.

As titular head of the Democratic party, Truman cannot escape full responsibility for failing to get the seven additional votes needed to uphold his hand.

While it may be argued that Truman's message was vigorously worded, it can also be said that aside from that composition and a last-minute letter addressed to Minority Leader Alben Barkley (D., Ky.), plus the luncheon for 13 doubtful senators the previous day, Truman actually did nothing to check the tide.

**NOT "DOWN FIGHTING"**

As a matter of fact, it should be recorded at once that Barkley and Democratic Natl. Chairman Gael Sullivan telephoned Sen. Elbert Thomas (D., Utah) at Geneva, Switzerland, advising him not to return to Washington for the vote. At that time the two Democratic leaders reported that the Taft-Hartley bill would be enacted with four votes to spare.

Actually, the count was six votes to spare with seven needed to kill the legislation.

**Since this telephone call (one of seven to Thomas by labor representatives and friends of labor) was made on Friday—three full days before the vote—it cannot be said that the Truman administration "went down fighting."**

But despite Thomas' vote, Truman made no additional effort to put the heat on the key votes among members of his own party . . . among men in the Senate who look to Truman for such political favors as the appointment of collectors of internal revenue in their states, the naming of federal judges, or postmasters . . . and all the rest of the federal patronage that has traditionally gone with high public office in Democratic or Republican administrations.

Truman knew what the bill contained as soon as the joint Congressional Committee adopted the conference report. He had plenty of time to open up politically on the doubtful votes. He had plenty of time after the House overrode his veto June 20 by a 331 to 83 count to summon the key senators.

**Yet the President, chief of the Democratic party, did nothing but veto the bill and then take to the radio to explain his action. By any measure of political knowhow, he was aware of the situation long before he wrote his veto message. He could have taken the case to the people by the radio even before his veto message was written . . . he could have privately warned the southern bloc that they had to vote right or else . . .**

# Green Sees Hope Of AFL-CIO Unity Before 1947 Ends

CINCINNATI — Improved possibilities for AFL-CIO unity were hinted at here when AFL Pres. William Green, in a speech to delegates to the 19th convention of the Boot and Shoe Workers Union (AFL), referred several times to the need for unity in terms of a "merger."

In previous discussions of unity with the CIO, the AFL head has customarily urged the CIO to "return to the house of labor." Unity meetings between AFL and CIO heads have split repeatedly on the AFL's insistence that the CIO unions accept affiliation to existing AFL bodies, thus placing them in subordinate positions.

Some of the 300 delegates to the shoe workers convention noted that Green this time did not refer to the CIO "returning to the house of labor," but repeatedly stressed the need for a "merger" of the two labor groups.

Green told Federated Press he anticipated labor unity "before the end of the year."

The convention dealt primarily with inner-union problems but passed an administration-sponsored resolution calling upon the U. S. government to stop the importation of shoes made in "Russian-dominated" countries. The resolution declared such shoes were made under conditions of "economic slavery."

At their concluding session delegates re-elected John J. Mara general president and secretary-treasurer, a post he has held since 1929.

**A few of the snowy owls of the Arctic region visit northern United States each winter, but when food is very scarce thousands come south, sometimes to North Carolina.**

# GIGGLES AND GROANS

**"Well, old boy," said the guest to his host, who had just moved into a new home. "How do you find it here?"**

**"Upstairs. First door to the left."**

* * *

**FULL PREPAREDNESS**

**"I'm stepping out in society. Tonight I'm having dinner with the upper set."**

**"The steak may be tough—better take the lower set, too."**

* * *

**JUST AIN'T NO USE**

**A despondent rooster leaned his head against the barn door and clucked to himself:**

**"What's the use of it all? Eggs yesterday, chickens today, feather dusters tomorrow."**

* * *

**TIRESOME THERAPY**

**HOSPITAL VISITOR: "I just heard those two nurses saying some mean things about you."**

**PATIENT: "Yeah, they've had me on the pan ever since I got here."**

* * *

**DOMESTIC ROMANCE**

**She stood before him in their kitchen, her mouth slightly pouting, lips parted. She seemed uncertain, the desire tormented her, but still there was that sense of dread. Did she dare give free rein to her passion? She would. She slowly raised her arms as he stepped forward and encircled her quivering form. He pressed her firmly until she bent backward over the table. His hands were on her shoulders, her arms, then her wrists. He twisted, and twisted until, with a cry of anguish, she let the rolling pin fall to the floor.**

* * *

**RESTRICTED FIELD**

**One chap gave this apt description of gals who wear sweaters to keep warm only.**

**"The only place they can serve as pin-up gals is in a bowling alley."**

* * *

**EQUIPPED WITH SPARE**

**Two soldiers were eagerly reading letters from home. Suddenly Bill gave a shout.**

**"Strike me pink!" he exclaimed. "My son's got three feet."**

**"Chuck it!" retored Tom. "Tain't possible."**

**"'Strue!" said Bill. "See what the missus says 'ere."**

**He handed the letter to Tom, who read: "You won't know little Johnny now. He's grown another foot."**

* * *

**AW, LETTER ALONE!**

**A young man approaching a counter behind which stood a cute young thing, said: "Do you keep stationery?"**

**Said the cute young thing: "Yes, up a certain point. Then I go all to pieces."**

* * *

**EXTRA ACCOMMODATIONS**

**MOE: "June weddings are not so bad, after all."**

**ZOE: "Yeah? How's that?"**

**MOE: "Well, they may aggravate the housing shortage, but the grooms will find there will be plenty of dog houses."**

# Jergens Lotion 1c Sale Forced By Temo's Ban

LOS ANGELES — The 1c sale gimmick that Jergens Lotion has been promoting in stores around the country was forced on the company because union members have clamped an effective boycott on its product, according to striking teamsters at Jergens' Burbank plant.

Andrew Jergens is still making a handsome profit, the workers report, even though the 13-ounce bottle of his hand lotion which usually retails for 67c is now being peddled at two for 68c.

Reason: only the cheapest materials are used in Jergens Lotion which, consumer research organizations testify, not only won't give you lily-white hands, but tends to spoil after prolonged storage. Basic ingredients of Jergens Lotion are an Arabian weed called quince, water, denatured alcohol, glycerine, ordinary soap chips and some cheap perfume. Result: you probably still have dishpan hands.

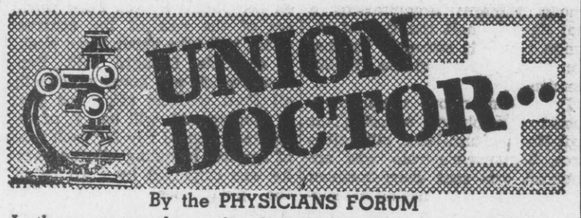
## *Women Shoppers Say Rising Meat Prices Result of Rigging*

WASHINGTON — Skyrocketing meat prices were branded "unwarranted" by the Natl. League of Women Shoppers in a statement charging that meat packers are deliberately misleading the public about the causes of current price levels.

A new "Don't Buy High" campaign was announced by the league to knock 10 to 20c a pound off present levels.

The league said that federal government figures fully demonstrate that the higher prices today are not related to prices of livestock, supplies or export demands from foreign countries.

# THE MARCH OF LABOR

# UNION DOCTOR...

By the PHYSICIANS FORUM

**In the propaganda against legislation for nation-wide prepaid health insurance, organized medicine has used the argument that the patient's "freedom of choice of physician" would be destroyed. We wonder if the American Medical Association has ever seriously considered the meaning of "freedom of choice of physician" for the individual patient under our present system of medical care.**

To many who cannot afford to pay for a private physician this freedom of choice is an empty privilege. The working man in need of medical care or the unemployed worker unable to afford the services of a family doctor in these days of sky-high meat prices and so-called voluntary rent increases, is forced to attend the out-patient clinic of a city hospital. Here he has very little to say about the choice of his physician.

**A PHONEY "FREEDOM"**

Does the financially-pressed worker or the sick unemployed worker insist on preserving this freedom of choice of physician which is possible only under our present system of medical care according to the AMA? Or would he prefer to have a system of prepaid health insurance so that he could be assured of payment for his doctor bills?

**To those more fortunate who, on the other hand, can afford a private physician's services this "freedom of choice" is not as helpful to the patient as the AMA would have us believe. The millions of people living in rural areas where there is an acute shortage of physicians are often able to choose the only physician living in their community or none at all.**

**WHO'S THE JUDGE?**

Moreover, freedom of the patient to choose his physician in itself does not guarantee that the patient will choose wisely. Since the average patient is not in a position to judge what is high quality medical care—that is a hard job even for experts—he chooses his physician for reasons other than those assuring the receipt of good medical care.

**Often the selection is made solely on the basis of the convenient location of the doctor's office. Perhaps as often a doctor is chosen on the basis of a friend's well-meaning but uninformed advice. The model of the doctor's automobile may be the reason, because some people mistake prosperity for competence.**

**SPECIALIST SELECTION**

When it comes to specialist services, for those who can afford them, the patient is on firmer ground since the medical profession has set up specialty boards. These boards certify that physicians who meet rigid standards of training and experience may practice as specialists in certain fields. For the patient seeking the services of a specialist, this certification by a specialty board is a valuable guide.

**"Freedom of choice of physician" will become more meaningful for the patient when his freedom includes ability to pay for a doctor of his choice, when his choice is between doctors of equal and high proficiency, and when medical practice is organized on a group basis to insure the patient the highest quality care. Far from destroying the patient's freedom of choice of physician, a system of nation-wide prepaid health insurance such as proposed by the Murray-Wagner Bill would increase it.**

## *Bills Would Abolish Factory Home Work*

WASHINGTON—Copies of model bills which would put an end to industrial home work in the several states may be obtained from the Division of Labor Standards, the U. S. Labor Dept. announced in its June information bulletin.

To date only 11 states have laws prohibiting home work, which exploits workers unable to protect themselves and undermines wage standards in factory work. Home work on goods passing in interstate commerce was given a severe blow in 1938 by passage of the federal wage-hour act.

In pushing the enactment of state laws to ban home work, the Labor Dept. says they should allow the state labor commissioner to grant special certificates to home workers who because of age or disability cannot work in factories.

## *Dallas, Texas Runs Into Suit as Result Of Taft-Hartley Act*

DALLAS, Tex. — The first labor injunction under the Taft-Hartley law was issued here to halt picketing in a secondary boycott.

The injunction, curbing the activities of a local of the Intl. Bro. of Boilermakers, Iron Shipbuilders & Helpers (AFL), was granted by district judge W. L. Thorton at the request of the Southland Steel Co.

The union struck June 20 when the company refused to cease purchasing material from another struck Dallas firm. The judge ruled the situation constituted a violation of the anti-secondary boycott provisions of the new law, but said he was not enjoining the union from striking but only from picketing.

# Michigan Puts Over Bill for 'Witch Hunts'

LANSING, Mich.—Despite widespread protest by church, civic and labor groups Gov. Sigler signed the Callahan "foreign agents" bill. It gives the attorney general wide powers to declare individuals and organizations subversive and subject them to onerous legal requirements of listings, financial and other reports and affidavits. Atty. Gen. Black has said, however, that lack of funds will prevent enforcement.

# NLRB Staff Forced to Carry Out T. H. Bill

WASHINGTON—All staff members of the NLRB must be prepared to carry out the intent of Congress as expressed in the Taft-Hartley amendments to the Wagner act in the "fairest and most efficient" manner possible, the NLRB said in a public statement sent to every one of its workers.

**A California woman wants a divorce because he threw eggs at her. The conjugal yolk became intolerable.**

# Congress 'Smear Drive' Against Building Trades Planned, Charge

WASHINGTON — Under the guise of investigating the threat of "collectivism through increased Federal housing programs," a House labor subcommittee plans to launch an all-out smear drive on the AFL building trades unions.

Rep. Ralph W. Gwinn (R, N. Y.), named chairman of the subcommittee by Chairman Fred A. Hartley (R, N. J.) of the full labor committee, said he hopes to begin his investigation sometime in September with hearings in Washington, followed by New York and Chicago along with some unspecified west coast cities.

Hartley said the group will "investigate material and labor costs and questionable practices relating to the economics of housing and construction generally" and would inquire "into numerous complaints of abuses that are paralyzing the building business."

Gwinn declared that "the building trades unions are tying up all housing, including housing in whole cities and in some instances in states, unless private builders agree to terms calling for wages and overtime that they cannot pay if they want to sell their houses."

The Republican subcommittee leader will be aided by Reps. Thomas Owens (R, Ill.) and Wingate Lucas (D, Tex.).

"The unions," Gwinn continued, "are beginning to clamor for more and more federal housing because the government is the only one able to pay the exorbitant prices since it can pass the costs along to the taxpayers." He added that the unions are "joining forces with the collectivists in a move to get more public housing, the greatest avenue there is to collectivist society."

# This Man Finds Best Pal Is His Good Old Union

CHICAGO—The Bro. of Railway Clerks (AFL) has just proved again that a man's best friend is his union.

The man in this case is ex-serviceman Jourdan Rigby who, before he entered the army in 1942 as a captain, had been secretary to the senior executive assistant of the Gulf Coast Lines Railway, part of the Missouri Pacific.

Rigby was given a leave for military service and his job was filled as a "temporary vacancy." Shortly before his discharge in October 1945, however, his former boss died and his successor refused to reinstate Rigby. To bolster the refusal, the management changed the qualifications for the post and wrote in a section that disqualified Rigby because he had injured his ankle in the army.

But the BRC held up an agreement with the railroad, demanded the veteran's reinstatement and carried the case to the National Railroad Adjustment Board. The board's recision, handed down here, declared Rigby "without dispute" is still qualified for his job. He was ordered reinstated as of November 1, 1945, with full back pay of some $7,000.

# Railroad Labor Asks Changes In Operating Rules

WASHINGTON—A series of 45 changes in rules for the operating employees of U. S. railroads has been proposed by five standard brotherhoods calling for standardized wage rates to bring western scales up to the standards of eastern and southeastern territories.

The proposal was signed by the Bro. of Locomotive Engineers, Bro. of Locomotive Firemen and Enginemen, Order of Railway Conductors, Bro. of Railroad Trainmen (all unaffiliated) and the Switchmen's Union (AFL).

BRT Legislative Rep. Harry See said the new proposal called for 100 miles or less (straightaway or turn-around) as a basic day in passenger service, with miles in excess of that figure to be paid at a mileage rate above the basic daily rate. The proposal also covers sick leave from seven to 30 days at the basic rate for employees of from one to 20 years of service, with a provision for its accumulation from year to year if not used.

Other improvements include pay for attending court, time and a half for Sunday and holiday service, a limit on freight of 70 cars and of 14 cars for passenger trains and the furnishing and maintenance of uniforms by the employer.

**Said Oscar Ameringer: "It is the business of the old party politician to get campaign contributions from the rich and votes from the poor on the ground that he will protect one from the other."**

# Labor Shift

(Release from State Fed. of Labor)

**SAN FRANCISCO—A recent study by the United States Employment Service, entitled "Significant Geographic Shifts in Unemployment," provides a great deal of useful information on "available labor."**

The study reveals that the most striking change in the unemployment picture between 1940 and 1947 was the shift in heavy unemployment from the North to the West. The USES study also discloses that currently, the areas of "heavy" and "very heavy" unemployment in the West account for 61 percent of non-agricultural labor forces in all areas.

In contrast with the West, areas in the North, with few exceptions, have relatively low unemployment.

The South, the USES finds, maintained its position in both periods as having the largest share of its labor force in areas of light unemployment.

The study also includes an analysis of agricultural and non-agricultural unemployment. From this analysis, showing the shift in the employment and unemployment picture, much useful information may be gained, and certain tendencies can be ascertained.


By HAROLD J. SALEMSON

**HOLLYWOOD — A series of films to be heard 'round the world are on the docket for Cary Grant, now finishing The Bishop's Wife for Sam Goldwyn and then to go into Mr. Blandings Builds His Dream House. Dore Schary's first wholly Schary production since he took over the reins at RKO. After these two American assignments, Cary plans to head for England, where he is committed to Alexander Korda for two pix.**

A very laudable idea but one that strikes us as attempting to do geographically what Upton Sinclair in the Lanny Budd series does more logically from a historical viewpoint.

**Incidentally, there is a radio deal cooking for Lanny Budd as a weekly serial: there's enough in those novels to carry it on for years. . . . But we've always wondered why Doug Fairbanks Jr. never snapped the Sinclair series up for films: from the first chapter, he occurred to your correspondent as the prototype of Lanny.**

**Fast Year:** It looks like historical novelist Howard Fast, who struck us as a natural for film adaptation, is finally coming into his own. RKO is filming his story Rachel, with Loretta Young; Sidney Buchman is planning The Last Frontier, either for Columbia or as an independent venture. And there are magnificent plans afoot, with script completed, for an indie production of Freedom Road, starring Paul Robeson. . . . How come Paul Muni hasn't considered doing The American?

**REISSUES PROTESTED**

Protests are being registered against reissue of three films: the German Maedchen in Uniform, because its stars played along with the Nazis; the British Prison Without Bars, whose star, Corinne Luchoire, was the mistress of Nazi ambassador to France Otto Abetz, and as a result was condemned to national degradation and barred from public life; and Metro's Gone With the Wind, being protested for the same anti-racist reasons now as when it first appeared.

**THE NEW FILMS**

**POSSESSED (WB): Joan Crawford in a psychiatric mystery that misses being the fine film it might have been. Take it or leave it.**

**BEST BETS: Henry V. The Best Years of Our Lives, The Jolson Story, Brief Encounter (Brit.), Children of Paradise (Fr)., The Nuremberg Trial (Russ.).**

# FM Operators Seeking Ruling About Lea Act

WASHINGTON. — Immediately on hearing of the U. S. supreme court ruling which failed to declare the Lea (anti-Petrillo) act unconstitutional, Executive Director J. N. Bailey of the FM Assn. wired all four major radio networks asking how soon they would make network musical programs available to FM stations. Previously the networks had not given FM the music because the American Federation of Musicians (AFL) had insisted they hire standby musicians, a practice which the Lea act declared illegal.

# Aim Too Low

**An advertisement for a lecturer says he "speaks straight from the shoulder." Too bad some of these talks can't originate a little higher up.**

## CALLING E'M STRAIGHT

By BILL MAHONEY

**He isn't a big horse. He's clubfooted and bred from dubious stock. He was a flop as a 2-year-old and last year they wrote racing obituaries on him when he broke down in midseason of his 3-year-old campaign.**

But this horse, Assault by name, is one of the greatest ever. He has taken over the alltime lead as a money-winer, with nearly $600,000 stashed away for his owner. He's only 4 years old, and unless that hoof goes bad he can set a mark that will be very hard to beat.

We have never seen any horse, or heard of one, that we could pick to beat Assault three out of five races. At any weights.

There are two main threats to his supremacy, Stymie and Armed. We can't see Stymie. Assault has beaten him at various distances, and while giving away weight. Armed is another story. Magnificent though he is, and sometimes faster according to the clockers, we'll take Assault every time out.

We have to take Assault. He has the champion's heart, a quality that drives him to his best when he needs it. Such a racer will beat the "faster" gee-gee when the chips are down, as Assault did Lucky Draw last year when the latter was cracking records all over the country.

**For many years, the wise guys in sports had a saying, "Don't bet against the Yankees." Likewise the football Giants and Joe Louis. You may not agree with our estimate of Assault, but it's about time to add his name to that list. Brother, don't bet against the Yankees, the football Giants, Joe Louis, or Assault!**

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**The only man who makes a quick clean-up in Wall Street and gets away with it is a janitor.**



## For Safety's Sake

After passing a series of exhaustive tests at the Los Angeles Drivers Safety Center, Robert A. Quigley (center) of Local 208, Intl. Bro. of Teamsters, AFL, receives a safety certificate from Roy S. Bloss. He was the 2000th driver to get the award from the testing organization that is sponsored by the IBT and the Motor Truck Assn. Local 208 Sec.-Treas. Burrell Davis (l.) looks on approvingly.—Federated Pictures).


By MARTY SOLOW

**The Associated Press got itself a good angle on a story from Greece (June 22) involving food packages which Greeks were sending to America. Said the AP story, citing some un-named source: ". . . An unfriendly ideology whose followers are spreading propaganda on the bad state of affairs in America" was to blame.**

On June 25 the FP ran another story: "Greek officials probed today into the shipment of food parcels from Greece to the U. S., which (the) Minister of Co-ordination said had been inspired by transport companies making huge profits."

* * *

**THAT 'LABOR MONOPOLY'**

Here's a story that the American press, which recently split a gut over what it called labor "monopolies," is keeping strictly undercover.

It's about the Reed-Bulwinkle bill to exempt railroads from the anti-trust laws. On June 10 Sen. Charles W. Tobey (R., N.H.) declared in the Senate that "the bill would place a monopoly grip on the neck of American small business and American farmers."

He added that the bill, which slipped quietly through Congress, "provides the means for the first time in American history of exempting a basic industry from the prohibition of the anti-trust law. It sets a pattern for other big businesses to be immunized from the anti-trust laws and they certainly will follow in its train."

**Maybe it depends on which "monopoly" butters your bread—and those nice full page ads the railroads take in the press don't prejudice their cases with editors.**

* * *

**THE FREE PRESS**

Another neatly buried story was a speech made by Under Sec. of Labor Keen Johnson in Chicago two weeks ago. Johnson, former governor of Kentucky and a one-time newspaper editor, charged that the press played up strikes, ignored labor peace. In 1946, he said, "despite strikes, the total output of American industry was the largest in peacetime history," but to the press only the stoppages were news.

"The thousands of peaceful negotiations which transpired during the year were not regarded as news," said Johnson as he pointed out that nine out of 10 disputes were settled without a strike. "The nine cases peacefully settled did not make the news, but the tenth did."

**You figure out why the press plays up strikes—ignores peace in labor.**

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## *Convicted Unionists Lose Case on Appeal*

WASHINGTON. — Vice Pres. James S. Fay of the Intl. Union of Vice Pres. James Bove of the Intl. Hod Carriers, Building & Com-Operating Engineers (AFL) and mon Laborers Union (AFL) lost their appeal to the U. S. supreme court from conviction in a New York court for conspiracy to extort and extortion.

Denying the Fay-Bove appeal, the high court ruled that the so-called blueribbon panel from which the convicting jury was drawn was not unfairly chosen, as the two AFL leaders had contended.

Fay and Bove had been convicted after admitting payments totaling $300,000 from contractors working on a New York water job, in return for which they guaranteed to "avoid labor trouble" while work was in progress.

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**Give a criminal enough rope and he'll tie up a cashier.**

## If You Don't Weaken

**Outfitting a peacetime conscript army is expected to give more than $1 billion a year in business to private industry.**

* * *

**Some people want labor unity without yielding an inch themselves, like the cat who wanted to catch fish without wetting her feet.**

* * *

**Rats got their bad name when an early naturalist saw one burrowing into a struck factory.**

* * *

**What goes up must come down, according to Sir Isaac Newton, but sometimes people starve to death waiting for it.**

* * *

**One congressman represents more than 20,000 voters in some districts, and as few as 2,000 in others.**

* * *

**A man in East Norwich, Mass., has devised a way to keep gravy stains off his vest. He eats in the bath tub.**

* * *

**According to a high government authority, congressmen are getting paid by the taxpayers, too, for what they are doing to us.**

* * *

**Many people in the south don't vote because a ballot would cost them $1 to $20. In the north, where it often costs as much as 10c car fare to get to the balloting place, many people also don't vote.**

* * *

**Lynching is unknown in several backward countries.**

* * *

**For many centuries the term "red" was applied mainly to a person with red hair. It wasn't until the 20th century that baseball teams began to be designated as "the Reds."**

* * *

**Class hatred is un-American, except when embodied in a law by Congress.**

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## Business for Motor Freight Lines Booming

WASHINGTON. — Business is booming with the big motor freight lines. They enjoyed an 86.6% increase in net income after taxes in 1946 over 1945.

The Interstate Commerce Commission reports that for all regions the net income of 305 lines after taxes was $5,249,980 in 1946, as compared with $2,813,813 the previous year.

All figures cover Class I carriers having gross revenues of $100,000 or more annually.

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**Before electric signs were invented actors were obliged to make their reputations by acting.**

## Increased Building Material Cuts Cost

(Release from State Fed. of Labor)

**SAN FRANCISCO — The increased flow of building materials will result in lower labor costs in the construction industry, and possibly lower prices, according to a release by the San Francisco office of the United States Department of Commerce.**

The scarcity of building materials has held up working schedules and inhibited efficient use of available construction labor, by causing labor to stand idly by while awaiting materials. The increased flow of supplies will eliminate this form of delay, which adds to the cost of construction.

**SHORTAGE HITS LABOR**

The report states: "Contractors have found that significant losses in effectiveness of the labor force resulted from the unpredictable flow of materials, which made working schedules difficult.

**"As supplies flow steadily, permitting efficient use of labor, contractors can pass on the saving in the form of lower bids on jobs. They can pass on, in addition to the actual savings, the extra amounts formerly included in bids allowing for such contingencies as uncertainty of supplies.**

**"These savings are distinct from those that may result from price reductions, which are appearing in some categories of supplies, and may cut building costs further."**

This report confirms a study which the California State Federation of Labor made a year ago on labor costs in the building construction industry, in which it was pointed out that the failure to maintain working schedules frequently caused workers to stand idly by while awaiting opportunities to perform their functions. This delay, as the Federation pointed out, has been one of the factors contributing to increased building costs.

The increased flow of materials will not only have a favorable effect on the cost of construction by permitting more efficient utilization of labor, but will make more building construction labor available for the solving of the present building crisis by eliminating time lost awaiting materials.

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**Spices were popular during the Middle Ages, not only for flavoring food and for drugs, but also because their aroma counteracted the evil smells that prevailed from lack of sanitation.**



## THE FARMER'S ANGLE

By HOMER AYRES

**Dame Nature turned the rain machine over to the small boys again this summer and they didn't seem to be able to get it turned off once the pesky thing got going. As a result countless thousands of acres of farm land and hundreds of towns and cities have been under water.**

Just how much damage has been done is hard to estimate but it will run far into the millions. The sad part of the whole tragedy is that much of this damage could have been prevented had the men who have been leading the people for generations been able to think in terms of the general welfare instead of thinking in terms of rolling the rocks out of the road for powerful interests who wanted to loot the land of its resources.

**KILL THE "CONTROLLERS"**

In the days before the Pilgrim fathers set up housekeeping in Massachusetts, Mother Nature had little guys working in flood control projects all over the country, building dams. The beavers helped to hold back the water but the invading whites looked upon the beavers mainly as a source of revenue, so their skins were taken and sold to warm the backs of the upper crust against the rigors of winter.

**The forests and grass-matted prairies that absorbed billions of tons of moisture were slicked off by the axe and the plow and the heavy rains hurried toward the Gulf of Mexico, taking along with them the best top soil. Once in a while this wasteful situation was pointed out by some honest observer but the get-rich-quick boys quickly clamped a rough hand over his mouth.**

**START BY NEW DEAL**

The New Deal made a start in the direction of soil conservation with its many programs and soil practices designed to hold the rain drops close to where they fell and paid farmers for such operations. This helped the farmers' shattered bank accounts and enabled them to improve their own lands. In addition much good was done for the nation as a whole.

**The TVA project proved that with proper dams we can hold the water back in the creeks and rivers when rain is plentiful and let it down at our leisure to turn generators for power, taking the place of coal. This cheap energy can be wired over the countryside so industries can be established right where raw materials exist. The houses of all the people can receive the benefits of light and juice to turn the new kitchen whirligigs and those around the farms. Life can be made better.**

**EXPENSIVE PROGRAM**

It takes a lot of money to really put over any comprehensive flood control and soil conservation program, but it will be money well spent and eventually self liquidating because it will materially cut down damage from high water. Thousands of acres can be converted into high yielding farms which are now considered marginal.

**However, we are not going in the direction of such a far-reaching people's program today. We are going away from it. The MVA remains a dream. Congress is whacking away even at the measly appropriations we have been getting.**

## Tideland Ruling Has States In Horrible Dither

WASHINGTON — The federal government, not the state of California, has the right to control the land under the waters bordering the U. S. between the low-tide mark and the 3-mile limit, the supreme court ruled in a 6 to 2 decision.

Attracting attention because it involved title to enormously valuable oil-bearing lands, some of which have been developed by oil companies under state leases since 1921, the case sets a rule for all 21 states bordering on the Atlantic, Pacific or the Gulf of Mexico.

"California," Jutice Hugo Black said in the majority opinion, "is not the owner of the 3-mile marginal belt along its coast, and the federal government, rather than the state, has paramount rights in and power over that belt, and incident to which is full dominion over the resources of the soil under that water area, including oil."

The 79th Congress had passed a bill giving title of the disputed land to the states, but Pres. Truman vetoed the measure, preferring to wait for the high court to rule on the California case then pending.

## Tip to Thomas Com.

**Billy Rose: "I take free speech pretty seriously and do not think that the Republic will totter because somebody says what he thinks."**

## It's Ladies Choice

A man when he's happy will celebrate,
A dog will go chasing a cat,
A rooster will crow and a whale will blow,
But a woman will buy a hat.
A man in his sorrow will turn to drink,
A tire when punctured goes flat,
A preacher will pray and a horse will neigh,
But a woman will buy a hat.
A man when he's idle finds mischief to do,
A child turns into a brat,
An owl's galoot who don't give a hoot,
But a woman exchanges the hat.

# With Local 890

## FRUIT & PRODUCE DRIVERS, WAREHOUSEMEN AND EMPLOYEES UNION

**Main and John Streets**
**Salinas, California**

**ATTENTION, ALL MEMBERS OF LOCAL 890: Remember that Ernest K. Bramblett, from Pacific Grove, your representative in Congress, voted for the Taft-Hartley Labor Bill and to over-ride the President's veto which will ultimately reduce your wages, hours and working conditions. Remember this man is an enemy of the trade union movement. Also to all members of organized labor in the Monterey area plan to replace him in Congress by your vote at the next election. Be sure and register to vote so you can exercise your franchise at the next general election.**

An analysis of the Taft-Hartley bill will appear in this column at a later date; watch this column as we will give you the complete text of the bill and how it affects you as a worker.

* * *

**SAM REGAS & SONS**

A meeting was held and negotiations have been started with the Company. A retroactive date of July 5th has been established and all wages and hours will be retroactive as of that date. We are waiting for the company to submit us a counter proposal of the contract that the union submitted to the company.

* * *

**SPIEGL FOODS COMPANY**

The contracts as yet have not been signed but the retroactive date covering wages, hours and conditions is in effect from the expiration of the old contract.

* * *

**RAITER CANNING CO.**

To all members employed at the Raiter Canning Company, the contract has been signed and all wages, hours and conditions are retroactive to March 1, 1947. The company should have the checks for retroactive back time within two weeks. If you do not receive your retroactive pay after a reasonable length of time please notify the office of the union.

Be sure and pay your dues on or before the first of each month in order to keep in benefit standing with the union. Also if you have not received your insurance policy, call at the union office or if you live out of town notify the office by mail and we will forward your policy to you.

* * *

**Remember the next meeting dates are as follows: Salinas, the first Tuesday, August 5, at the Womens Civic Club; in the Watsonville area, Wednesday, August 6, at the I.O.O.F. Hall. Meeting time: 8 p.m.**

* * *

Be sure to buy union made clothing and patronize only those firms who display the union card or label.

**VETERANS COLUMN**

Five veterans of the Civil War were among the 105,691 veteran-patients under the care of Veterans Administration on June 1, VA reported.

Patients, by other wars, included:
World War II—51,273 (48.5%).
World War I—48,340 (45.7%).
Spanish American War—2836 (2.7%).
Regular Establishment—2808 (2.7%).
Other wars (Philippine Insurrection, Indian Wars, etc.)—195.
Retired officers and enlisted men—234.

Eligible for hospital care by VA are all veterans with disabilities incurred in or aggravated by their service in the armed forces. Veterans with nonservice-connected ailments may be hospitalized if beds are available and are not needed by service-connected cases and if they say they cannot pay for treatment elsewhere.

**WOMEN'S INSURANCE**

"If every wife knew what every widow knows—"

Every day of the week the Veterans Administration receives reports on the death of some young veteran of World War II, who usually leaves several dependents, and who allowed his insurance to lapse when he left the service.

The Veterans Administration is urging all wives of veterans to check with their husbands and determine whether his G.I. life insurance is in force.

Reinstatement of lapsed G. I. term insurance is very simple. Until Aug. 1 veterans may reinstate term insurance by payment of just two monthly premiums and a signed statement that the veteran's health is as good as when the policy lapsed.

G. I. insurance provides the veteran and his or her family with greater security, at lower cost, than any other protection available today.

There are some 370,000 women veterans of World War II eligible to retain or reinstate National Service Life Insurance.

## *Political Action*

**Following Pres. David Dubinsky's ringing denunciation of the Taft-Hartley slave law as "a snake bite into the very heart of our American liberties," the convention of the International Ladies Garment Workers Union (AFL), meeting in Cleveland called for political action to elect a pro-labor Congress in '48. (Federated Press)**

G. I. insurance policies were issued to 297,000 women veterans during the war. However, under the liberalized insurance law all veterans who did not have policies while in the service may obtain them now at the same favorable rates.

Women veterans eligible for insurance include former members of the Army and Navy Nurse Corps, Women's Army Corps, Women's Reserve of the Navy, Marine Corps and Coast Guard, Physical Therapists, Dieticians and Medical Officers.

**AID INJURED VETS**

Veterans Administration announced it is teaching severely injured veterans a wide variety of arts and trades in a program designed to speed their rehabilitation and thus shorten their stay in VA hospitals.

The program also is being applied to veteran-patients whose injuries or diseases have caused a chronic condition requiring repeated or continuous hospitalization.

VA plans not only to speed the recovery of these patients through this program, but also to reduce the number of readmissions for further treatment.

In many instances, the arts or trades learned in VA hospitals will provide the veterans with an opportunity to contribute to their own livelihood after their recovery.

Known as the manual arts therapy program, the project is under way in most of VA's 126 hospitals.

## YOUR JOB and the LAW

By JACK ABBOTT

**Is an employer required, under the Wagner act, to bargain with a union during a strike called in violation of a no-strike clause in their contract?**

Yes, said the NLRB some months ago in a case involving the United Steelworkers and the Timken Roller Bearing Co. of Ohio. No, said the federal circuit court at Cincinnati on May 26, thereby overruling the NLRB's decision.

The board had argued that the obligation to bargain, under the statute, is absolute. But the court, while agreeing that the obligation is absolute, added that the obligation "may be channeled and directed by agreement."

**Management is hailing this decision as being of greater value to employers than the provisions of the Taft-Hartley bill which provides for employer suits for damages.**

* * *

**REAL REASON**

Just because an employer has a valid reason to discharge an employe, does not necessarily mean that the discharge may not be a violation of the Wagner act.

The question is what the real reason was, and if it was because of union membership, activities, or sympathies, the discharge is illegal even if, at the same time, the employe was a poor worker and the employer could have properly discharged him for that.

In other words, if union activity was a material part of the motivating reason, the discharge violates the law even if there are additional valid reasons which could have been used. The NLRB re-armed this principle on June 4 in the case of Spencer Auto Electric, Inc. of Tampa, Fla. and the United Office and Professional Workers.

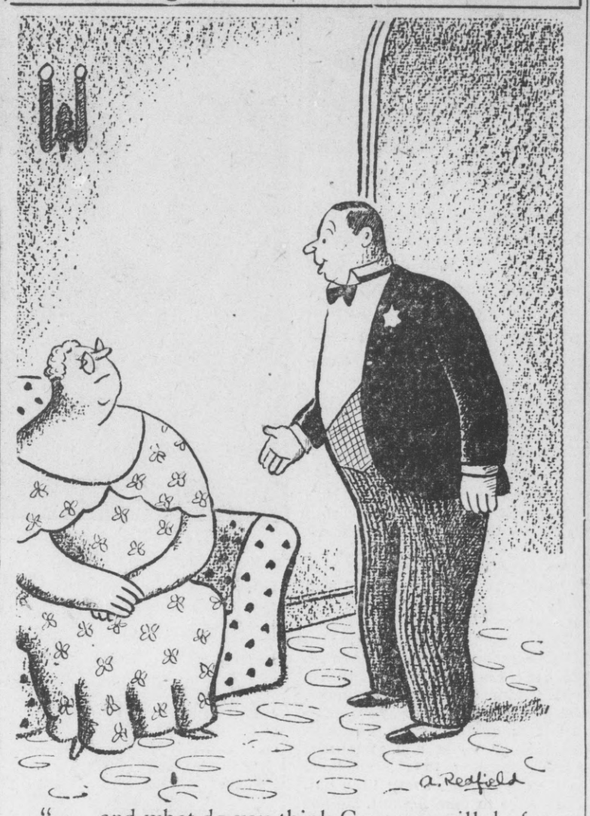
## Famine Is On!

**Old Farmer Hoogenhagen was not one to think only of himself, although he had plenty of trouble. The drought burned up his corn, hoof and mouth disease had killed half his livestock, and lastly, a great swarm of potato bugs had devoured every speck of his vines. An acquaintance, meeting him in town, asked him how things were.**

**"Trouble enough," said Hoogenhagen, "trouble enough. There's 1 million potato bugs on my place and nothin' for 'em to eat."**

**All the world needs is an agreement not to have any more wars until the old ones are paid for.**

## No Telling . . . . Redfield



". . . and what do you think Congress will do for us next?"

## WALL ST. AND YOU

By THE ECONOMIST

**Last winter when labor unions were asking for substantial wage increases, they contended that business and industry were making record-breaking profits. The answer of big business was that the studies made by union economists were wrong, that they were nothing but "guestimates," and that the poor corporations were hardly doing better than breaking even.**

Now the Dept. of Commerce has belatedly released its survey of 1946 corporate profits. The figures show that the only mistake made by the unions was in underestimating the actual profit take. Even Pres. Truman and his Council of Economic Advisers, it turns out from the vantage point of hindsight, were $500 million too low in their estimate of 1946 corporate profits after taxes.

**THE GRAVY TRAIN**

According to the Dept. of Commerce, the corporations last year rolled up the record-breaking total of $12.5 billion in clear profits, $3.5 billion more than in 1945, or an increase of 39 per cent. By contrast, the wartime peak in profits after taxes was $9.2 billion in 1943 and the previous peacetime high was $8.3 billion in 1929.

**Profits, both before and after taxes, rose with increasing speed throughout the year. By the fourth quarter of 1946, profits before taxes on an annual basis were running $27 billion and after taxes they were $16 billion, or almost twice the 1929 level. Preliminary studies indicate that in the first quarter of this year, profits after the government took its share, were even higher than in the last quarter of 1946, and if they continue at the same rate for the year will total some $17-18 billion.**

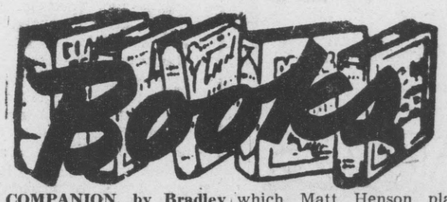
**MEANTIME WAGES DROPPED**

While big business went whole hog for profits, wage and salary payments (including the 6-figure salaries of corporation executives) actually dropped $4.5 billion from 1945 to 1946. The profiteering spree is still going on and the workers are still behind the 8-ball because of inflationary living costs that show no signs of going down.

Big business and its apologists are no longer stressing the need for hindsight on 1946 profit figures. Hindsight shows they were lying when they denied making exorbitant profits. Today they are calling for hindsight on 1947 profit figures.

**But unless out-of-line prices are rolled back and excessive profits are curbed, hindsight next year will reveal that by siphoning off essential purchasing power into profits, big business and its stooges in Congress threw the country into the 1947-1948 version of an economic bust.**

## Books



**DARK COMPANION, by Bradley Robinson. Published by Robert M. McBride and Company, 200 E. 37th Street, New York 16. Price $3.50.**

The year 1906 is a long time ago and only the older folks now remember the furious controversy that swept the country when Lieut. Robert E. Peary and Dr. Frederick A. Cook made conflicting claims about discovering the North Pole. The fact that Peary did do it, while Cook was later proved a liar and imposter, was not widely and conclusively established until Peary had gone into another world.

This biography, however, is principally about a Negro—Matthew Henson, who accompanied Peary on all his polar expeditions and who was the "indispensable man" in Peary's final triumph. Henson ran away from home (or what passed for a home) when a lad of 12, and went to sea. After nearly a decade he met Peary who was then a naval engineer. The close association of the white man and the colored man in some 18 years of cruel hardships in the icy North is one of the most unusual and absorbing stories in American history. There is plenty of adventure. The story of how a Negro (whose ancestors came from tropical Africa) could withstand the rigors of the frozen North better than the whites, is something out of the ordinary.

It is a tragedy that world recognition did not come to Peary sooner and that the stellar role which Matt Henson played has been hidden by prejudice. However, Bradley Robinson does an excellent job in telling the story, and let us hope that the schools will help give Henson the recognition and honor due him.

Introductions by Vilhjalmur Stefanson, Peter Frenchen and Donald B. MacMillan pay additional tributes to Henson for his outstanding part in exploratory achievements by the United States.

—AL SESSIONS

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## Bantam Releases

Bantam Books have released an unusually good assortment of reading for the current 25-cent edition newsstand sale: "Cry Wolf," by Marjorie Carleton, a mystery with a new twist; "Swamp Water," by Vereen Bell, an exciting man-hunt story; "The Scarab Murder Case," by S. S. Van Dine, one of the Philo Vance classics of detective fiction; "Comanche Chaser," redskin hair-raiser by Dane Coolidge. "Cry Wolf" will be released as a movie by Warner Bros. this August.—A. E. S.

## Decrease in Business Lays Off Factory Men

INDIANAPOLIS — A sharp decline in orders has caused the layoff of some 5,000 Indiana workers in 10 major industries from mid-April to mid-May, a state employment survey showed.

[1]

# Complete Text of Taft-Hartley Bill

SHORT TITLE AND DECLARATION OF POLICY

SECTION 1. (a) This Act may be cited as the "Labor Management Relations Act, 1947."

(b) Industrial strife which interferes with the normal flow of commerce and with the full production of articles and commodities for commerce, can be avoided or substantially minimized if employers, employees, and labor organizations each recognize under law one another's legitimate rights in their relations with each other, and above all recognize under law that neither party has any right in its relations with any other to engage in acts or practices which jeopardize the public health, safety, or interest.

It is the purpose and policy of this Act, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce.

**TITLE I—AMENDMENT OF NATIONAL LABOR RELATIONS ACT**

SEC. 101. The National Labor Relations Act is hereby amended to read as follows:

**"Findings and Policies**

"SECTION 1. The denial by some employers of the right of employees to organize and the refusal by some employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

"The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and preventing the stabilization of competitive wage rates and working conditions within and between industries.

"Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

"Experience has further demonstrated that certain practices by some labor organizations, their officers, and members have the intent or the necessary effect of burdening or obstructing commerce by preventing the free flow of goods in such commerce through strikes and other forms of industrial unrest or through concerted activities which impair the interest of the public in the free flow of such commerce .The elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed.

"It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

**"Definitions**

"Sec. 2. When used in this Act—

"(1) The Term 'person' includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trutees in bankruptcy, or receivers.

"(2) The term 'employer' includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal Reserve Bank, or any State or political subdivision thereof, or any corporation or association operating a hospital, if no part of the net earnings inure to the benefit of any private shareholders or individual, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

"(3) The term 'employee' shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act, as amended from time to time, or by any other person who is not an employer as herein defined.

"(4) The term 'representatives' includes any individual or labor organization.

"(5) The term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

"(6) The term 'commerce' means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

"(7) The term 'affecting commerce' means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

"(8) The term 'unfair labor practice' means any unfair labor practice listed in section 8.

"(9) The term 'labor dispute' includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

"(10) The term 'National Labor Relations Board' means the National Labor Relations Board provided for in section 3 of this Act.

"(11) The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"(12) The term 'professional employee' means—

"(a) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

"(b) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

"(13) In determining whether any person is acting as an 'agent' of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

"NATIONAL LABOR RELATIONS BOARD

"Sec. 3. (a) The National Labor Relations Board (hereinafter called the 'Board') created by this Act prior to its amendment by the Labor Management Relations Act, 1947, is hereby continued as an agency of the United States, except that the Board shall consist of five instead of three members, appointed by the President by and with the advice and consent of the Senate. Of the two additional members so provided for, one shall be appointed for a term of five years and the other for a term of two years. Their successors, and the successors of the other members, shall be appointed for terms of five years each, excepting that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

"(b) The Board is authorized to delegate to any group or three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

"(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"(d) There shall be a General Counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel of the Board shall exercise general supervision over all attorneys employed by the Board (other than trial examiners and legal assistants to Board members) and over the officers and employees in the regional offices. He shall have final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under section 10, and in respect of the prosecution of such complaints before the Board, and shall have such other duties as the Board may prescribe or as may be provided by law.

"SEC. 4. (a) Each member of the Board and the General Counsel of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, examiners, and regional directors, and such other employees as it may from time to time find necessary for the proper performance of its duties. The Board may not employ any attorneys for the purpose of reviewing transcripts of hearings or preparing drafts of opinions except that any attorney employed for assignment as a legal assistant to any Board member may for such Board member review such transcripts and prepare such drafts. No trial examiner's report shall be reviewed, either before or after its publication, by any person other than a member of the Board or his legal assistant, and no trial examiner shall advise or consult with the Board with respect to exceptions taken to his findings, rulings or recommendations. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this Act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation, or for economic analysis.

"(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

"SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

"SEC. 6. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this Act.

**"Rights of Employees**

"SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in sections 8 (a) (3).

**"Unfair Labor Practices**

"SEC. 8. (a) It shall be an unfair labor practice for an employer—

"(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7;

"(2) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: Provided, That subject to rules and regulations made and published by the Board pursuant to section 6, an employer shall not be prohibted from permitting employees to confer with him during working hours without loss of time or pay;

"(3) by discrimination in regard to hire or tenure or employment or any term or condition of employment to encourage or discourage membership in any labor organization; Provided, That nothing in this Act, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 8 (a) of this Act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such labor organization is the representative of the employees' as provided in section 9 (a), in the appropriate collective-bargaining unit covered by such agreement when made; and (ii) if, following the most recent election held as provided in section 9 (e) the Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to authorize such labor organization to make such an agreement. Provided further, That no employer shall justify any discrimination against an employee for nonmembership in a labor organization (A) if he has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or (B) if he has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fee uniformly required as a condition of acquiring or retaining membership;

"(4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act;

"(5) to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

"(b) It shall be an unfair labor practice for a labor organization or its agents—

"(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in section 7: Provided, That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (B) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

"(2) to cause or attempt to cause an employer to discriminate against an employee in violation of subsection (a) (3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

"(3) to refuse to bargain collectively with an employer, provided it is the representative of his employees subject to the provisions of section 9 (a);

"(4) to engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is: (A) forcing or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person; (B) forcing

[2]



or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9; (C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9; (D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work: Provided, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this Act;

"(5) to require of employees covered by an agreement authorized under subsection (a) (3) the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Board finds excessive or discriminatory under all circumstances. In making such a finding, the Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected; and

"(6) to cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.

"(c) The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

"(d) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: Provided, That where there is in effect a collective bargaining contract covering employees in an industry affecting commerce, the duty of to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

"(1) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

"(2) Offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modification;

"(3) notifies the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or Territorial agency established to medfate and conciliate disputes within the State or Territory where the dispute occurred, provided no agreement has been reached by that time; and

"(4) continues in full force effect, without resorting to strike or lock-out, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later: The duties imposed upon employers, employees, and labor organizations by paragraphs (2), (3), and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization or individual, which is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 9 (a), and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any employee who engages in a strike within the sixty-day period specified in this subsection shall lose his status as an employee of the employer engaged in the particular labor dipute, for the purposes of sections 8, 9, and 10 of this Act, as amended, but such loss of status for such employee shall terminate if any when he is reemployed by such employer.

**"Representatives and Elections**

"SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: Provided, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect: Provided further, That the bargaining representative has been given opportunity to be present at such adjustment.

"(b) The Board shall decide in each case whether, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit or subdivision thereof: Provided, That the Board shall not (1) decide for such purposes if such unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or (2) decide that any craft unit is inappropriate for such purposes on the group that a different unit has been established by a prior Board determination, unless a majority of the employees in the proposed craft unit vote against separate representation or (3) decide that any unit is appropriate for such purposes if it includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises; but no labor organization shall be certified as the representative of employees in a bargaining unit of guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

"(c) (1) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Board—

"(A) by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a substantial number of employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 9 (a), or (ii) assert that the individual or labor organization, which has been certified or is being currently recognized by their employer as the bargaining representative, is no longer a representative as defined in section 9 (a); or

"(B) by an employer, alleging one or more individuals or labor organizations have presented to him a claim to be recognized as the representative defined in section (a) (9);

the Board shall investigate such petition and if it has reasonable cause to believe that a question of representation affecting commerce exists shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the regional office, who shall not make any recommendations with respect thereto. If the Board finds upon the record of such hearing that such a question or representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"(2) In determining whether or not a question of representation affecting commerce exists, the same regulations and rules of decision shall apply irrespective of the identity of the persons filing the petition or the kind of relief sought and in no case shall the Board deny a labor organization a place on the ballot by reason of an order with respect to such labor organization or its predecessor not issued in conformity with section 10 (c).

"(3) No election shall be directed in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held. Employees on strike who are not entitled to reinstatement shall not be eligible to vote. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election.

"(4) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the Board.

"(5) In determining whether a unit is appropriate for the purposes specified in subsection (b) the extent to which the employees have organized shall not be controlling.

"(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under section 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

"(e) (1) Upon the filing with the Board by a labor organization which is the representative of employees as provided in section 9 (a), of a petition alleging that 30 per centum or more of the employees within a unit claimed to be appropriate for such purposes desire to authorize such labor organization to make an agreement with the employer of such employees requiring membership in such labor organization as a condition of employment in such unit, upon an appropriate showing thereof the Board shall, if no question of representation exists, take a secret ballot of such employees, and shall certify the results thereof to such labor organization and to the employer.

"(2) Upon the filing with the Board, by 30 per centum or more of the employees in a bargaining unit covered by an agreement between their employer and a labor organization made pursuant to section 8 (a) (3) (ii), of a petition alleging their desire that such authority be rescinded, the Board shall take a secret ballot of the employees in such unit, and shall certify the results thereof to such labor organization and to the employer.

"(3) No election shall be conducted pursuant to this subsection in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held.

"(f) No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 9 (e) (1) shall be entertained, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless such labor organization and any national or international labor organization of which such labor organization is an affiliate or constituent unit (A) shall have prior thereto filed with the Secretary of Labor copies of its constitution and bylaws and a report, in such form as the Secretary may prescribe, showing—

"(1) the name of such labor organization and the address of its principal place of business

"(2) the names, titles, and compensation and allowances of its three principal officers and of any of its officers or agents whose aggregate compensation and allowances for the preceding year exceeded $5,000, and the amount of the compensation and allowances paid to each such officer or agent during such year;

"(3) the manner in which the officers and agents referred to in clause (2) were elected, appointed, or otherwise selected;

"(4) the initiation fee or fees which new members are required to pay on becoming members of such labor organization;

"(5) the regular dues or fees which members are required to pay in order to remain members in good standing of such labor organization;

"(6) a detailed statement of, or reference to provisions of its constitution and bylaws showing the procedure followed with respect to, (a) qualification for or restrictions on membership, (b) election of officers and stewards, (c) calling of regular and special meetings (d) levying of assessments, (e) imposition of fines, (f) authorization for bargaining demands, (g) ratification of contract terms, (h) authorization for strikes, (i) authorization for disbursement of union funds, (j) audit of union financial transactions, (k) participation in insurance or other benefit plans, and (l) expulsion of members and the grounds therefor;

and (B) can show that prior thereto it has—

"(1) filed with the Secretary of Labor, in such form as the Secretary may prescribe, a report showing all of (a) its receipts of any kind and the sources of such receipts, (b) its total assets and liabilities as of the end of its last fiscal year, (c) the disbursements made by it during such fiscal year, including the purposes for which made; and

"(2) furnish to all of the members of such labor organization copies of the financial report required by paragraph (1) hereof to be filed with the Secretary of Labor.

"(g) It shall be the obligation of all labor organizations to file annually with the Secretary of Labor, in such form as the Secretary of Labor may prescribe, reports bringing up to date the information required to be supplied in the initial filing by subsection (f) (A) of this section, and to file with the Secretary of Labor and furnish to its members annually financial reports in the form and manner prescribed in subsection (f) (B).

"No labor organization shall be eligible for certification under this section as the representatives of any employees, no petition under section 9 (e) (1) shall be entertained, and no complaint shall issue under section 10 with respect to a charge filed by a labor organization unless it can show that it and any national or international labor organization of which it is an affiliate or constituent unit has complied with its obligation under this subsection.

"(h) No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 9 (e) (1) shall be entertained, and no complaint shall be issue pursuant to a charge made by a labor organization under subsection (b) of section 10, unless there is on file with the Board an affidavit executed contemporaneously or within the preceding twelve-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35 A of the Criminal Code shall be applicable in respect to such affidavits.

**"Prevention of Unfair Labor Practices**

"Sec. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise: Provided, That the Board is empowered by agreement with any agency of any State or Territory to cede to such agency jurisdiction over any cases in any industry (other than mining, manufacturing, communications, and transportation except where predominantly local in character) even though such cases may involve labor disputes affecting commerce, unless the provision of the State or Territorial statute applicable to the determination of such cases by such agency is inconsistent with the corresponding provision of this Act or has received a construction inconsistent therewith.

"(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint: Provided, That no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the armed forces, in which event the six-month period shall be computed from the day of his discharge. Any such complaint may be amended by the member, agent or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing, or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the Act of June 19, 1934 (U. S. C., title 28, secs. 723-B, 723-C).

"(c) The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this Act: Provided, That where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him: And provided further, That in determining whether a complaint shall issue alleging a violation of section 8 (a) (1) or section 8 (a) (2), and in deciding such cases, the same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon the preponderance of the testimony taken the Board shall not be of the opinion that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint. No order of the Board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause. In case the evidence is presented before a member of the Board, or before an examiner or examiners thereof, such member, or such examiner or examiners, as the case may be, shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within twenty days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"(e) The Board shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, and district court of the United States (including the District Court of the United States for the District of Columbia), within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceedings, including the pleadings and testimony upon which such an order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave

of adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its members, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

"(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such persons reside or transact business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered, and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application of the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

"(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

"(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order on the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101-115).

"(i) Petitions filed under this Act shall be heard expeditiously and if possible within ten days after they have been docketed.

"(j) The Board shall have power, upon issuance of a complaint as provided in subsection (b) charging that any person has engaged in or is engaging in an unfair labor practice, to petition any district court of the United States (including the District Court of the United States for the District of Columbia), within any district wherein the unfair labor practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper.

"(k) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b), the Board is empowered and directed to hear and determine the dispute out of which such unfair labor practice shall have arisen, unless, within ten days after notice that such charge has been filed, the parties to such dispute submit to the Board satisfactory evidence that they have adjusted, or agreed upon methods for the voluntary adjustment of, the dispute. Upon compliance by the parties to the dispute with the decision of the Board or upon such voluntary adjustment of the dispute, such charge shall be dismissed.

"(l) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (A), (B) or (C) of section 8 (b), the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer or regional attorney to whom the matter may be referred has reasonable cause to believe such charge is true and that a complaint should issue, he shall, on behalf of the Board, petition any district court of the United States including the District Court of the United States for the District of Columbia) within any district where the unfair labor practice in question has occurred, is alleged to have occurred, or wherein such person resides or transacts business, for appropriate injunctive relief pending the final adjudication of the Board with respect to such matter. Upon the filing of any such petition, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law: Provided further, That no temporary restraining order shall be issued without notice unless a petition alleges that substantial and irreparable injury to the charging party will be unavoidable and such temporary restraining order shall be effective for no longer than five days and will become void at the expiration of such period. Upon filing of any such petition the courts shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony: Provided further, That for the purpose of this subsection district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit. In situations where such relief is appropriate the procedure specified herein shall apply to charges with respect to section 8 (b) (4) (D).

**"Investigatory Powers**

"SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

"(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Board, or any member thereof, shall upon application of any party to such proceedings, forthwith issue to such party subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within five days after the service of a subpena on any person requiring the production of any evidence in his possession or under his control, such person may petition the Board to revoke, and the Board shall revoke, such subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation, or any matter in question in such proceedings, or if in its opinion such subpena does not describe with sufficient particularity the evidence whose production is required. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty of forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(4) Complaints, orders, and other process and papers of the Board, its members, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

"(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

"(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

**"Limitations**

"SEC. 13. Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.

"SEC. 14. (a) Nothing herein shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this Act shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either national or local, relating to collective bargaining.

"(b) Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

"SEC. 15. Whenever the application of the provisions of section 272 of chapter 10 of the Act entitled An 'Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and Act amendatory thereof and supplementary thereto (U. S. C., title 10, sec. 672), conflicts with the application of the provisions of this Act, this Act shall prevail: Provided, That in any situation where the provisions of this Act cannot be validly enforced, the provisions of such other Acts shall remain in full force and effect.

"SEC. 16. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 17. This Act may be cited as the 'National Labor Relations Act'."

**Effective Date of Certain Changes**

SEC. 102. No provision of this title shall be deemed to make an unfair labor practice any act which did not constitute an unfair labor practice prior thereto, and the provisions of section 8 (a) (3) and sections 8 (b) (2) of the National Labor Relations Act as amended by this title shall not make an unfair labor practice of the performance of any obligation under a collective bargaining agreement entered into prior to the date of the enactment of this Act, or (in the case of an agreement for a period of not more than one year) entered into on or after such date of enactment, but prior to the effective date of this title, if the performance of such obligation would not have constituted an unfair labor practice under section 8 (3) of the National Labor Relations Act prior to the effective date of this title, unless such agreement was renewed or extended subsequent thereto.

SEC. 103. No provision of this title shall affect any certification of representatives or any determination as to the appropriate collective bargaining unit, which was made under section 9 of the National Labor Relations Act prior to the effective date of this title until one year after the date of such certification or if, in respect of any such certification, a collective bargaining contract was entered into prior to the effective date of this title, until the end of the contract period or until one year after such date, whichever first occurs.

SEC. 104. The amendments made by this title shall take effect sixty days after the date of the enactment of this Act, except that the authority of the President to appoint certain officers conferred upon him by section 3 of the National Labor Relations Act as amended by this title may be exercised forthwith.

**TITLE II—CONCILIATION OF LABOR DISPUTES IN INDUSTRIES AFFECTING COMMERCE; NATIONAL EMERGENCIES**

SEC. 201. That it is the policy of the United States that—

(a) sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees;

(b) the settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining or by such methods as may be provided for in any applicable agreements for the settlement of disputes; and

(c) certain controversies which arise between parties to collective bargaining agreements may be avoided or minimized by making available full and adequate governmental facilities for furnishing assistance to employers and the representatives of their employees in formulating for inclusion within such agreements provision for adequate notice of any proposed changes in the terms of such agreements, for the final adjustment of grievances or question regarding the application or interpretation of such agreements, and other provisions designed to prevent the subsequent arising of such controversies.

SEC. 202. (a) There is hereby created an independent agency to be known as the Federal Mediation and Conciliation Service (herein referred to as the "Service," except that for sixty days after the date of the enactment of this Act such term shall refer to the Conciliation Service of the Department of Labor). The Service shall be under the direction of a Federal Mediation and Conciliation Director (hereinafter referred to as the "Director"), who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall receive compensation at the rate of $12,000 per annum. The Director shall not engage in any other business, vocation, or employment.

(b) The Director is authorized, subject to the civil service laws, to appoint such clerical and other personnel as may be necessary for the execution of the functions of the Service, and shall fix their compensation in accordance with the Classification Act of 1923, as amended, and may, without regard to the provisions of the civil service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such conciliators and mediators as may be necessary to carry out the functions of the Service. The Director is authorized to make such expenditures for supplies, facilities, and services as he deems necessary. Such expenditures shall be allowed and paid upon presentation of itemized vouchers therefor approved by the Director or by any employee designated by him for that purpose.

(c) The principal office of the Service shall be in the District of Columbia, but the Director may establish regional offices convenient to localities in which labor controversies are likely to arise. The Director may by order, subject to revocation at any time, delegate any authority and discretion conferred upon him by this Act to any regional director, or other officer or employee of the Service. The Director may establish suitable procedures for co-operation with State and local mediation agencies. The Director shall make an annual report in writing to Congress at the end of the fiscal year.

(d) All mediation and conciliation functions of the Secretary of Labor or the United States Conciliation Service under section 8 of the Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (U. S. C., title 29, sec. 51), and all functions of the United States Conciliation Service under any other law are hereby transferred to the Federal Mediation and Conciliation Service, together with the personnel and records of the United States Conciliation Service. Such transfer shall take effect upon the sixtieth day after the date of enactment of this Act. Such transfer shall not affect any proceedings pending before the United States Conciliation Service or any certification, order, rule, or regulation theretofore made by it or by the Secretary of Labor. The Director and the Service shall not be subject in any way to the jurisdiction or authority of the Secretary of Labor or any official or division of the Department of Labor.

**Functions of the Service**

SEC. 203. (a) It shall be the duty of the Service, in order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, to assist parties to labor disputes in industries affecting commerce to settle such disputes through conciliation and mediation.

(b) The Service may proffer its services in any labor dispute in any industry affecting commerce, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption of commerce. The Director and the Service are directed to avoid attempting to mediate disputes which would have only a minor effect on interstate commerce if State or other conciliation services are available to the parties. Whenever the Service does proffer its services in any dispute, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

(c) If the Director is not able to bring the parties to agreement by conciliation within a reasonable time, he shall seek to induce the parties voluntarily to seek other means of settling the dispute without resort to strike, lock-out, or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the Director shall not be deemed a violation of any duty or obligation imposed by this Act.

(d) Final adjustment by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective bargaining agreement. The Service is directed to make its conciliation and mediation services available in the settlement of such grievance disputes only as the last resort and in exceptional cases.

SEC. 204. (a) In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, employers and employees and their representatives in any industry affecting commerce, shall—

(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements;

(2) whenever a dispute arises over the terms or application of a collective bargaining agreement and a conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held and endeavor in such conference to settle such dispute expeditiously; and

(3) in case such dispute is not settled by conference, participate fully and promptly in such meetings as may be undertaken by the Service under this Act for the purpose of aiding in a settlement of the dispute.

SEC. 205. (a) There is hereby created a National Labor-Management Panel which shall be composed of twelve members appointed by the President, six of whom shall be selected from among persons outstanding in the field of management and six of whom shall be selected from among persons outstanding in the field of labor. Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, four at the end of the first year, four at the end of the second year, four at the end of the third year after the date of appointment. Members of the panel, when serving on business of the panel, shall be paid compensation at the rate of $25 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence.

(b) It shall be the duty of the panel, at the request of the Director, to advise in the avoidance of industrial controversies and the manner in which mediation and voluntary adjustment shall be administered, particularly with reference to controversies affecting the general welfare of the country.

**National Emergencies**

SEC. 206. Whenever in the opinion of the President of the United States, a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make

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a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position but shall not contain any recommendations. The President shall file a copy of such report with the Service and shall make its contents available to the public.

SEC. 207. (a) A board of inquiry shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

(b) Members of a board of inquiry shall receive compensation at the rate of $50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

(c) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C., 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

SEC. 208. (a) Upon receiving a report from a board of inquiry the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof, and if the court finds that such threatened or actual strike or lock-out—

(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof, and to make such other orders as may be appropriate.

(b) In any case, the provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", shall not be applicable.

(c) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 29, secs. 346 and 347).

SEC. 209. (a) Whenever a district court has issued an order under section 208 enjoining acts or practices which imperil or threaten to imperil the national health or safety, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences, with the assistance of the Service created by this Act. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the Service.

(b) Upon the issuance of such order, the President shall reconvene the board of inquiry which has previously reported with respect to the dispute. At the end of a sixty-day period (unless the dispute has been settled by that time), the board of inquiry shall report to the President the current position of the parties and the efforts which have been made for settlement, and shall include a statement by each party of its position and a statement of the employer's last offer of settlement. The President shall make such report available to the public. The National Labor Relations Board, within the succeeding fifteen days, shall take a secret ballot of the employees of each employer involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him and shall certify the results thereof to the Attorney General within five days thereafter.

SEC. 210. Upon the certification of the results of such ballot or upon a settlement being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged. When such motion is granted, the President shall submit to the Congress a full and comprehensive report of the proceedings, including the findings of the board of inquiry and the ballot taken by the National Labor Relations Board, together with such recommendations as he may see fit to make for consideration and appropriate action.

**Compilation of Collective Bargaining Agreements, etc.**

SEC. 211. (a) For the guidance and information of interested representatives of employers, employees, and the general public, the Bureau of Labor Statistics of the Department of Labor shall maintain a file of copies of all available collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes. Such file shall be open to inspection under appropriate conditions prescribed by the Secretary of Labor, except that no specific information submitted in confidence shall be disclosed.

(b) The Bureau of Labor Statistics in the Department of Labor is authorized to furnish upon request of the Service, or employers, employees, or their representatives, all available data and factual information which may aid in the settlement of any labor dispute, except that no specific information submitted in confidence shall be disclosed.

**Exemption of Railway Labor Act**

SEC. 212. The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

**TITLE III**

**Suits By and Against Labor Organizations**

SEC. 301. (a) Suits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this Act, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties.

(b) Any labor organization which represents employees in an industry affecting commerce as defined in this Act and any employer whose activities affect commerce as defined in this Act shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

(c) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

(d) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

(e) For the purpose of this section, in determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

**Restrictions on Payments to Employee Representatives**

SEC. 302 (a) It shall be unlawful for any employer to pay or deliver, or agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are employed in an industry affecting commerce.

(b) It shall be unlawful for any representative of any employees who are employed in an industry affecting commerce to receive or accept, or to agree to receive or accept, from the employer of such employees any money or other thing of value.

(c) The provisions of this section shall not be applicable (1) with respect to any money or other thing of value payable by an employer to any representative who is an employee or former employee of such employer, as compensation for, or by reason of, his services as dependents jointly with the employees of other employers making an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: Provided, That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; or (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and similar payments, and their families and dependents): Provided, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of the employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities.

(d) Any person who willfully violates any of the provisions of this section shall, upon conviction thereof, be guilty of a misdemeanor and be subject to a fine of not more than $10,000 or to imprisonment for not more than one year, or both.

(e) The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction for cause shown, and subject to the provisions of section 17 (relating to notice to opposite party) of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended (U. S. C., title 28, sec. 381), to restrain violations of this section, without regard to the provisions of sections 6 and 20 of such Act of October 15, 1914, as amended (U. S. C., title 15, sec. 17, and title 29, sec. 52), and the provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (U. S. C., title 29, secs. 101-115).

(f) This section shall not apply to any contract in force on the date of enactment of this Act, until the expiration of such contract, or until July 1, 1948, whichever first occurs.

(g) Compliance with the restrictions contained in subsection (c) (5) (B) upon contributions to trust funds, otherwise lawful, shall not be applicable to contributions to such trust funds established by collective agreements prior to January 1, 1946, nor shall subsection (c) (5) (A) be construed as prohibiting contributions to such trust funds if prior to January 1, 1947, such funds contained provisions for pooled vacation benefits.

**Boycotts and Other Unlawful Combinations**

SEC. 303. (a) It shall be unlawful, for the purposes of this section only, in an industry or activity affecting commerce, for any labor organization to engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is—

(1) forcing or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person;

(2) forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9 of the National Labor Relations Act;

(3) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9 of the National Labor Relations Act;

(4) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class unless such employer is failing to conform to an order of certification of the National Labor Relations Board determining the bargaining representative for employees performing such work. Nothing contained in this subsection shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under the National Labor Relations Act.

(b) Whoever shall be injured in his business or property by reason of any violation of subsection (a) may sue therefor in any district court of the United States subject to the limitations and provisions of section 301 hereof without respect to the amount in controversy, or in any other court having jurisdiction of the parties, and shall recover the damages by him sustained and the cost of the suit.

**Restriction of Political Contributions**

SEC. 304. Section 313 of the Federal Corrupt Practices Act, 1925 (U. S. C., 1940 edition, title 2, sec. 251; Supp. V, title 50, App., sec. 1509), as amended, is amended to read as follows:

"SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with an election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors, or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, in violation of this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both. For the purposes of the section 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work."

**Strikes by Government Employees**

SEC. 305. It shall be unlawful for any individual employed by the United States or any agency thereof including wholly owned Government corporations to participate in any strike. Any individual employed by the United States or by any such agency who strikes shall be discharged immediately from his employment, and shall forfeit his civil service status, if any, and shall not be eligible for reemployment for three years by the United States or any such agency.

**TITLE IV**

**Creation of Joint Committee to Study and Report on Basic Problems Affecting Friendly Labor Relations and Productivity.**

SEC. 401. There is hereby established a joint congressional committee to be known as the Joint Committee on Labor-Management Relations (hereafter referred to as the committee), and to be composed of seven Members of the Senate Committee on Labor and Public Welfare, to be appointed by the President pro tempore of the Senate, and seven Members of the House of Representatives Committee on Education and Labor, to be appointed by the Speaker of the House of Representatives. A vacancy in membership of the committee shall not affect the powers of the remaining members to execute the functions of the committee, and shall be filled in the same manner as the original selection. The committee shall select a chairman and a vice chairman from among its members.

SEC. 402. The committee, acting as a whole or by subcommittee, shall conduct a thorough study and investigation of the entire field of labor-management relations, including but not limited to—

(1) the means by which permanent friendly cooperation between employers and employees and stability of labor relations may be secured throughout the United States;

(2) the means by which the individual employee may achieve a greater productivity and higher wages, including plans for guaranteed annual wages, incentive profit-sharing and bonus systems;

(3) the internal organization and administration of labor unions, with special attention to the impact on individuals of collective agreements requiring membership in unions as a condition of employment;

(4) the labor relations policies and practices of employers and associations of employers.

(5) the desirability of welfare funds for the benefit of employees and their relation to the social-security system;

(6) the methods and procedures for best carrying out the collective bargaining processes, with special attention to the effects of industry-wide or regional bargaining upon the national economy;

(7) the administration and operation of existing Federal laws relating to labor relations; and

(8) such other problems and subjects in the field of labor-management relations as the committee deems appropriate.

SEC. 403. The committee shall report to the Senate and the House of Representatives not later than March 15, 1948, the results of its study and investigation, together with such recommendations as to necessary legislation and such other recommendations as it may deem advisable, and shall make its final report not later than Jan. 2, 1949.

SEC. 404. The committee shall have the power, without regard to the civil service laws and the Classification Act of 1923, as amended, to employ and fix the compensation of such officers, experts, and employees as it deems necessary for the performance of its duties, including consultants who shall receive compensation at a rate not to exceed $35 for each day actually spent by them in the work of the committee, together with their necessary travel and subsistence expenses. The committee is further authorized, with the consent of the head of the department or agency concerned, to utilize the services, information, facilities, and personnel of all agencies in the executive branch of the Government and may request the governments of the several States, representatives of business, industry, finance, and labor, and such other persons, agencies, organizations, and instrumentalities as it deems appropriate to attend its hearings and to give and present information, advice, and recommendations.

SEC. 405. The committee, or any subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Eightieth Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer oaths; to take such testimony; to have such printing and binding done; and to make such expenditures within the amount appropriated therefor; as it deems advisable. The cost of stenographic services in reporting such hearings shall not be in excess of 25 cents per one hundred words. Subpenas shall be issued under the signature of the chairman or vice chairman of the committee and shall be served by any person designated by them.

SEC. 406. The members of the committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the committee, other than expenses in connection with meetings of the committee held in the District of Columbia during such times as the Congress is in session.

SEC. 407. There is hereby authorized to be appropriated the sum of $150,000, or so much thereof as may be necessary, to carry out the provisions of this title, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman.

**TITLE V—Definitions**

SEC. 501. When used in this Act—

(1) The term "industry affecting commerce" means any industry or activity in commerce or in which a labor dispute would burden or obstruct commerce or tend to burden or obstruct commerce or the free flow of commerce.

(2) The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage of a collective bargaining agreement) and any concerted slow-down or other concerted interruption of operations by employees.

(3) The terms "commerce", "labor disputes", "employer", "employee", "labor organization", "representative", "person", and "supervisor" shall have the same meaning as when used in the National Labor Relations Act as amended by this Act.

**Saving Provision**

SEC. 502. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this Act.

**Separability**

SEC. 503. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected hereby.

(THE END)